



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1995

Mr. Harvey Cargill, Jr.  
City Attorney  
City of Abilene  
P.O. Box 60  
Abilene, Texas 79604

OR95-1384

Dear Mr. Cargill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34440.

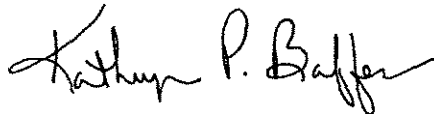
The City of Abilene (the "city") received an open records request for information related to the city's Board of Adjustment's decision to grant a special exception to the city's zoning ordinance. You state that you have released some of the information requested. You contend that some of the information requested may be withheld from public disclosure pursuant to section 552.103(a) of the Government Code, commonly referred to as the litigation exception. You inform us that the requestor has filed a lawsuit against the city and the board regarding the board's decision to grant the special exception. You have submitted for our review the information requested that you contend may be withheld from required public disclosure as well as a copy of the requestor's original petition.

Specifically, you contend that you may withhold the minutes from the public meeting in which the board addressed the zoning ordinance exception at issue and the replies from replies to some mailed-out comment cards pursuant to section 552.103. In reviewing the documents submitted for our review, we note that the responses to the mailed-out comment cards were read at the public meeting. Official records of the public proceedings of a governmental body are among the most open of records. Open Records Decision No. 221 (1979). Despite the fact that a lawsuit has been filed, you may not withhold the requested information pursuant to section 552.103.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kathryn P. Baffes".

Kathryn P. Baffes  
Assistant Attorney General  
Open Records Division

KPB/ch

Ref: ID# 34440

Enclosures: Submitted documents

cc: Mr. W.M. Hankins, Jr.  
2742 Old Anson Road  
Abilene, Texas 79603  
(w/o enclosures)